



Promoting the wise use of land  
Helping build great communities

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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

SUBDIVISION REVIEW BOARD

MEETING DATE August 1, 2005	CONTACT/PHONE Elizabeth Kavanaugh 805/788-2010	APPLICANT Ken Lerno	FILE NO. CO 04-0008 SUB 2003-00095
SUBJECT A request for a Tentative Parcel Map to subdivide an existing 5.94-acre parcel into two parcels of approximately 3.4 and 2.5 acres each for the purpose of sale and/or development. There will be no grading until development is proposed on parcel two. The project is within the Residential Suburban land use category and is located on the northwest corner of Ross Drive and Grace Drive, approximately 1,000 feet north of Highway 46, in the village of Whitley Gardens, east of the City of Paso Robles. The site is in the Shandon/Carrizo planning area			
RECOMMENDED ACTION 1. Deny Tentative Parcel Map CO 04-0008 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION No environmental determination was made.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 019-221-044	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Whitley Gardens Village Standards			
EXISTING USES: One single family residence and various outbuildings			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / residences <i>East:</i> Residential Suburban / residences <i>South:</i> Residential Suburban / residences <i>West:</i> Residential Suburban / residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, County Parks, CDF, Green River Water Company, and Department of Fish and Game,			
TOPOGRAPHY: Gently sloping		VEGETATION: Non-native grasses	
PROPOSED SERVICES: Water supply: On-site well and Community system Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: October 8, 2004	
COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING COUNTY GOVERNMENT CENTER, SAN LUIS OBISPO, CA 93408 805-781-5600			

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Staff is recommending denial of this proposed parcel map the following reasons: (1) Title 19, The Building and Construction Ordinance, prohibits a lot using a well as a potable water source in an area that is served with community water. This site is within the area served by community water and the water purveyor is unable to serve this additional lot. (2) The Green River Mutual Water Company does not meet County Health Department standards for community water systems. (3) County Health, Environmental Health Division cannot support the creation of a parcel where one lot is served by community water and the other is served by an individual on-site well. and (4) California Department of Forestry/County Fire (CDF), the responsible party for fighting fires for this area, is concerned about the ability to fight fires in an area that has mixed water sources.

#### PROJECT HISTORY

This project was originally submitted as a three lot parcel map using a Transfer Development Credit. The application included an "Intent to Serve" letter from the Green River Mutual Water Company for the two additional lots. The Green River Mutual Water Company subsequently rescinded the will serve letter when they determined that they did not have the capacity to serve any additional lots. Subsequently, the Green River Mutual Water Company offered the applicant the opportunity to drill one well to serve one additional parcel. The project was redesigned as a two-lot parcel map in which the existing lot will use community water and the new lot will use well water. This project was referred to outside agencies and reviewed. The referring agencies did not immediately raise concerns about this project. However, as the project continued through the environmental review process pursuant to CEQA, County Environmental Health stated they had concerns with the one lot using community water in an area that is wholly served by community water and CDF raised concerns about adequate service in the case of a fire where one lot is served by community water and the other by well and a private water storage tank (for fire fighting). In addition, Title 19 prohibits the issuance of a building permit where an on-site well is the proposed potable water supply and the building site is located inside the service boundary of a community water system.

#### ORDINANCE COMPLIANCE:

***Title 21 - Real Property Division Ordinance - Section 21.03.010f*** – This section states, prior to approval of the tentative parcel map documentation from an approved water purveyor intent to serve each parcel is required This subdivision does have an intent to serve letter, however, this letter does not state that the Green River Mutual Water Company will serve both lots. It states that one lot can be served by an on-site well. Staff does not believe that this letter is appropriate, as it does not authorize service by the community water system for both parcels. County Environmental Health does not consider the intent to serve letter provided by the Green

***Title 19 - Building and Construction Ordinance Section 19.20.236.b*** – This section states, when an on-site well is the proposed potable water supply, a building permit may only be issued where the building site is located outside of the service boundary of a community water system and where the design and construction of the well receives Health Department approval, and meets minimum capacity and test capacity. This project does not meet this standard because the site is currently within the service boundary of the Green River Mutual Water Company and is proposing to serve one lot with an on-site well. In addition, the proposed service of one lot with community water and one lot on an on-site well is not satisfactory to County Environmental Health.

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**Title 19 - Building and Construction Ordinance Section 19.20.238.** – This section states, no construction permit that requires new service with potable water shall be issued unless the water system purveyor will provide potable water service to the dwelling and that the water purveyor has sufficient water resources and system capacity to provide such service. The Green River Mutual Water Company had to rescind the originally submitted will serve letter because the water company does not have sufficient water storage nor are the existing water lines large enough to meet the capacity needed to provide water for additional lots within its district.

**PLANNING AREA STANDARDS:**

The Whitley Garden Village standards of the Shandon-Carrizo area plan prohibits land divisions until the community water system is brought into conformity with the County Health Department standards. County Environmental Health Department has indicated that the Green River Mutual Water Company is not up to Health Department standards.

**COMMUNITY ADVISORY GROUP COMMENTS:** No advisory group in this area

**AGENCY REVIEW:**

Public Works – recommend approval

Environmental Health – recommend denial of the tentative map

County Parks – Pay Quimby fees

CDF – Fire safety letter dated July 7, 2005 requiring connecting to the community water system

Green River Mutual Water Company – a permission to drill a well letter.

Department of Fish and Game – standard San Joaquin kit fox mitigation at a 3:1 ratio

**LEGAL LOT STATUS:**

The one lot was legally created by recorded map tract one, at a time when that was a legal method of creating lots.

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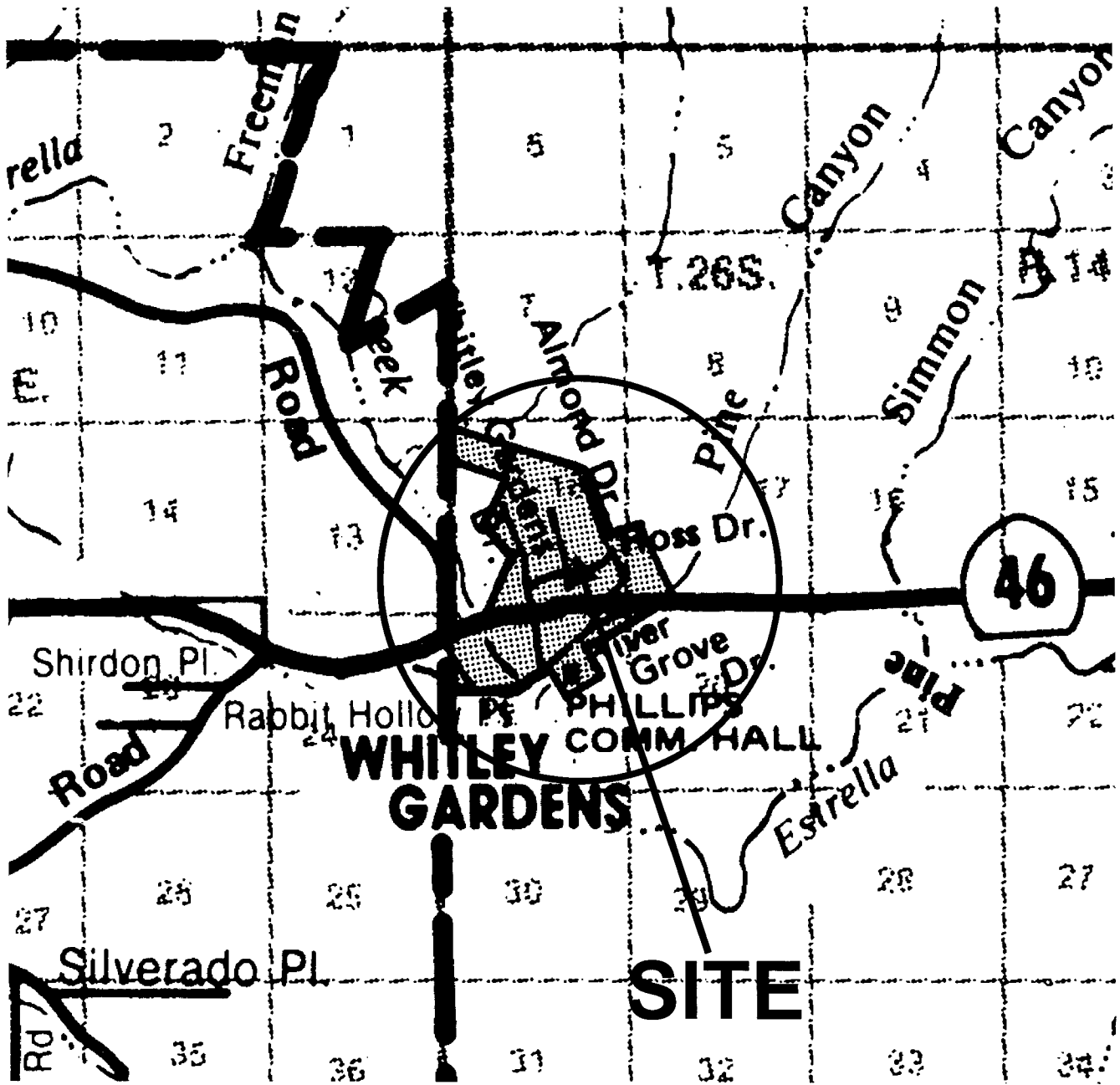
## FINDINGS - EXHIBIT A

### *Tentative Map*

- A. The proposed map is inconsistent with applicable county general and specific plans because the map does not comply with the Shandon-Carrizo area plan standards requiring the community water system to meet the County Environmental Health Department's standards for community water systems. The Green River Mutual Water Company does not meet County Environmental Health Department's standards for community water systems.
- B. The proposed map is inconsistent with applicable county Building and Construction Ordinance because Title 19 prohibits a parcel from using a well as a potable water source in an area that is served with community water. This site is in the middle of an area served by community water and the water purveyor is unable to serve this additional parcel.
- C. The proposed map is not consistent with the county zoning and subdivision ordinances because the Green River Mutual Water Company did not provide documentation of an intent to serve the additional lot as required by Title 21.
- D. The proposed map presents a health and safety concern because the California Department of Forestry/County Fire, the responsible party for fighting fires for this area, has determined that their ability to provide adequate fire service to the proposed subdivision would not be acceptable unless both parcels are served by the community water system.

### *CEQA*

- E. That this project is found to be statutorily exempt from the California Environmental Quality Act (CEQA) under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which the public agency rejects or disapproves.



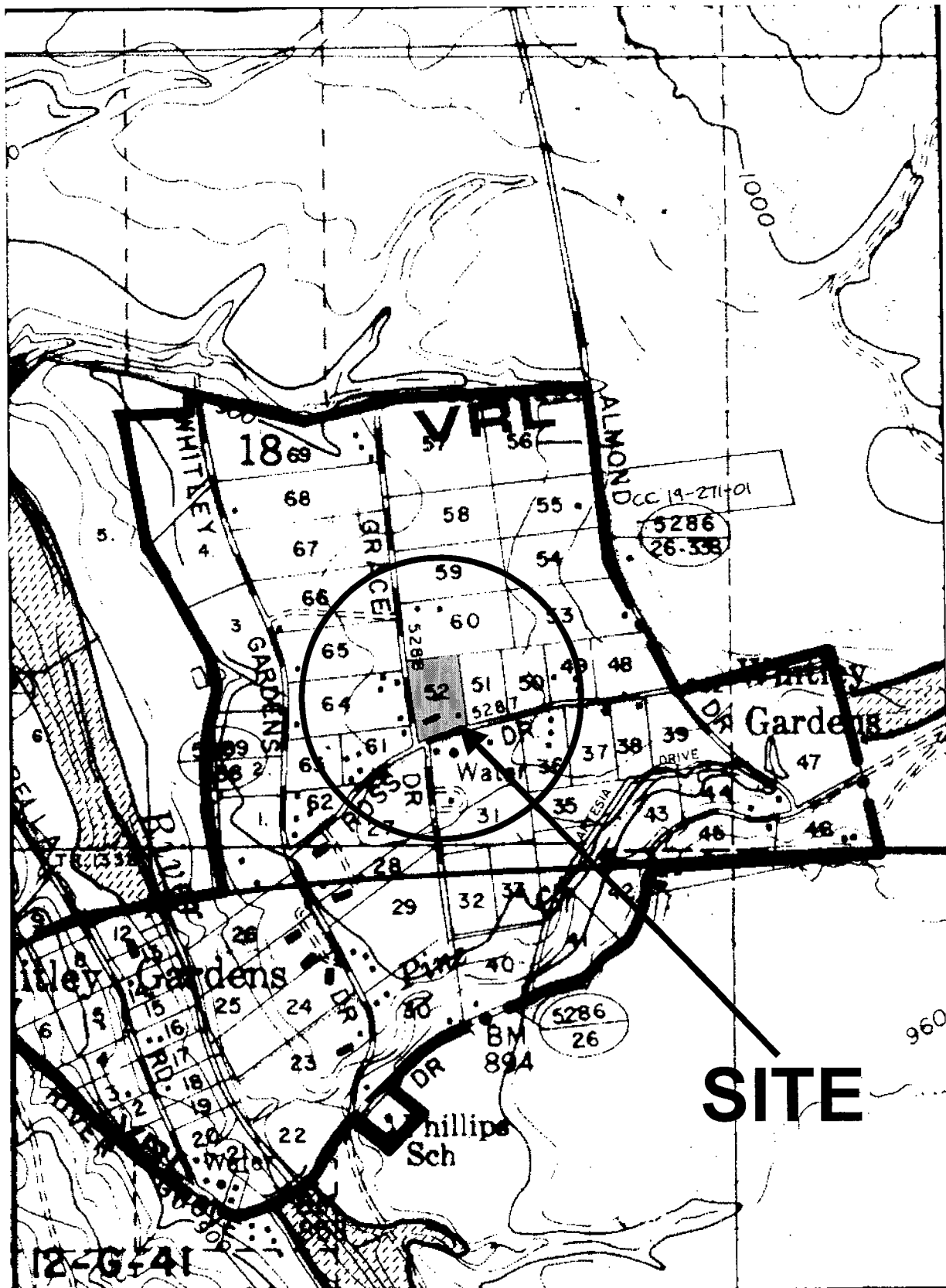
**PROJECT**

Parcel Map  
Lemo SUB2003-00095



**EXHIBIT**

Vicinity Map



PROJECT

Parcel Map  
Lerno SUB2003-00095

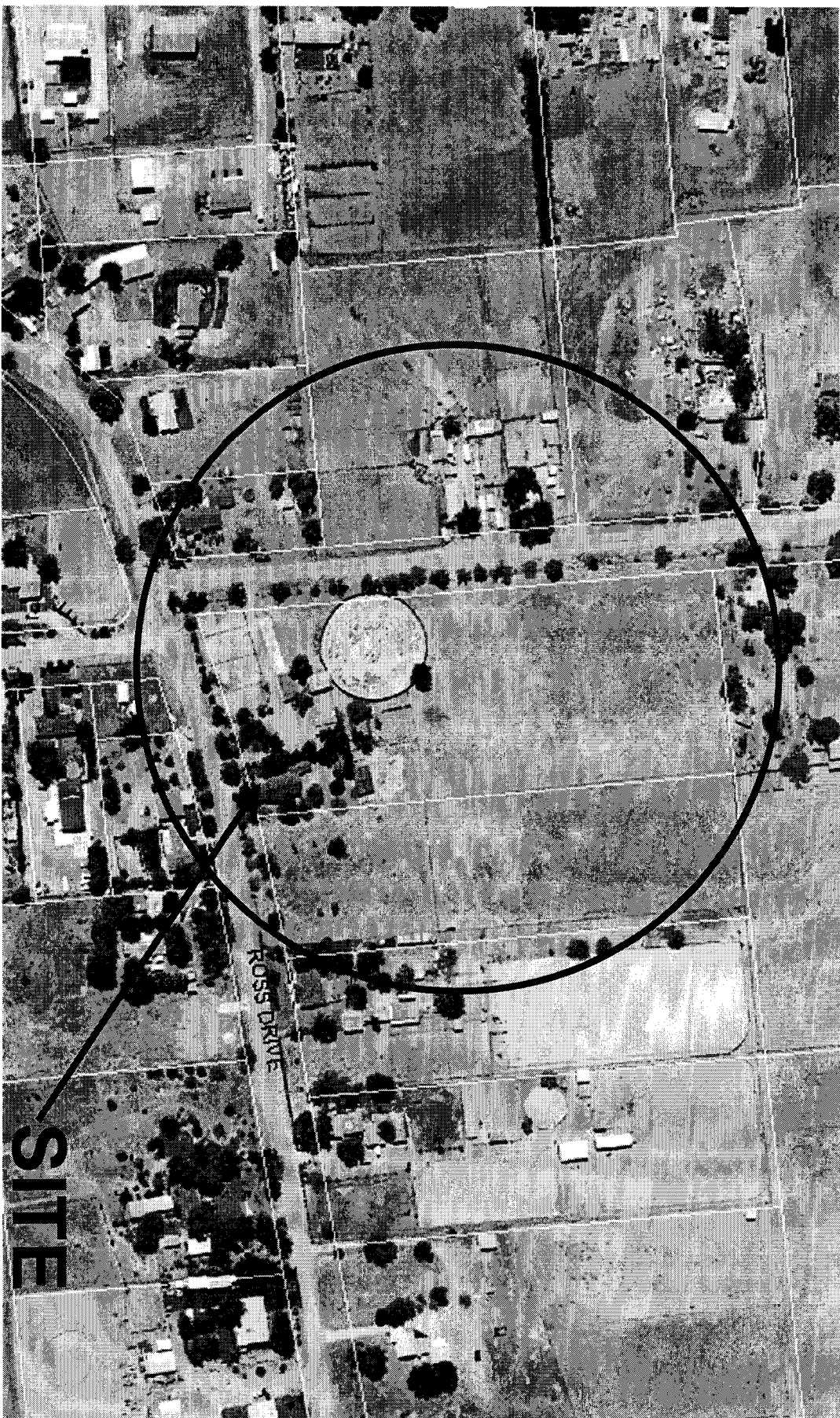


EXHIBIT

Land Use Category Map



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PROJECT

Parcel Map  
Lemo SUB2003-00095



EXHIBIT

Aerial Photo



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GREEN RIVER MUTUAL WATER COMPANY, INC.  
WHITLEY GARDENS  
Established 1927  
215 So. WHITLEY GARDENS DRIVE  
PASO ROBLES, CA. 93446  
805 239 3111

Tuesday, June 15, 2004

Mr. Ken Lerno  
6760 El Camino Real  
Atascadero, Ca. 93422

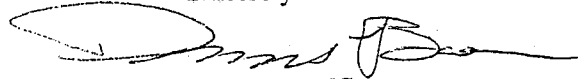
Dear Mr. Lerno:

**PERMISSION TO DRILL AT YOUR PROPERTY DESCRIBED BELOW**

Permission to drill a well on your property at the corners of Grace and Ross in Whitley Gardens. With the following stipulations.

- 1 To drill one (1) well on one (1) 2 1/2-acre parcel. That well is to service said 2-1/2 acre parcel with drinking and irrigation water. Water from this well is not to be sold, traded, or given to any other parcels.
- 2 The original house and 2-1/2 acres is to maintain the original water meter, that meter is to service the house and parcel with water for drinking and irrigation.
- 3 That you, Mr. Ken Lerno as the legal owner of record sign and return, to GRMWC, this letter as acceptable.
- 4 We will then issue a letter to you for "Permission To Drill" with cc to Elizabeth Kavanaugh SLO Planning / Laurie Salo @ SLO Env. Health
- 5 The County of San Louis has also requested that a back flow device be installed on the existing meter incase any one at a future time ties the systems together. This stipulation was made by SLO County after the letter written May 22, 2004

Sincerely



President GRMWC  
Dennis Bowman

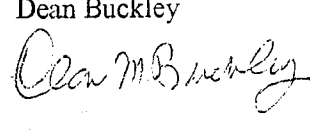
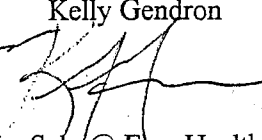
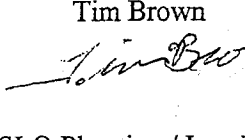
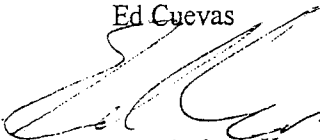
Board Members:

Ed Cuevas

Tim Brown

Kelly Gendron

Dean Buckley



cc Elizabeth Kavanaugh SLO Planning / Laurie Salo @ Env. Health

**RECEIVED**

JUN 21 2004

Planning & Bldg

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## CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

July 7, 2005

Elizabeth Kavanaugh  
County of San Luis Obispo  
Department of Planning and Building  
County Government Center  
San Luis Obispo, CA 93408

Subject: Parcel Map Project # Revised SUB2003-00095 Lerno

Dear Ms. Kavanaugh,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 4680 Ross Drive cross of Grace Drive. This project is located approximately 5 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

### Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

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- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

### **Driveway**

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
  - 0-49 feet, 10 feet is required
  - 50-199 feet, 12 feet is required
  - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

### **Water Supply**

The following applies:

☒ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☐ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

### **Fuel Modification**

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

We require all lots within a community water sytem district (Green River Mutual Water Co.) must be served by a hydrant system that meets California Fire Code requirements as oulined in Appendix III-A and Appendix III-B. For residential development the requirement is 1000 gpm for 2 hours at 20 to 150 psi. The hydrants should be spaced no more than 500 feet apart and no farther than 250 feet from the parcel frontage. A water storage tank system will not be permissible.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,



Robert Lewin, Fire Marshal  
Battalion Chief



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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

MAR - 8 2004

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL



DATE:

March 8, 2004

FROM

Engineering (Pub. Works)

FROM  
LONo. County Team  
(Please direct response to the above)

(CO 04-0008)

SUB2003-00095/LEARNO  
Project Name and Number

Development Review Section (Phone: 781-788-2009 ) ( )

PROJECT DESCRIPTION: 3 Lot Subdivision / TDC Receiving Site

Return this letter with your comments attached no later than:

March 22, 2004

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?

YES

(Please go on to Part II)

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?

NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval — Stock Conditions Attached. Application Form states TDC info is attached but nothing came with referral. No title report in referral.

02 April 2004  
DateGoodwin  
Name5252  
Phone

FROM : SLO CO PLANNING &amp; BLDG

FAX NO : 8057811242

Jul. 19 2005 02:21PM P2



# 7-12A

## SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

### THIS IS A NEW PROJECT REFERRAL

DATE: 9/1/04 7/7/05 TO: Rob Lewin 543-4248  
Laurie Salo - Env. Health El Laurie Salo 781-4211  
 FROM: Elizabeth Kavanaugh LERNO (CO 04-0008)  
 (Please direct response to the above) SUB2003-00095  
 w/ North Co. Team Elizabeth Kavanaugh  
 Development Review Section (Phone: 781-788-2010) (788-2009)  
 PLANNER

PROJECT DESCRIPTION: 2 lot parcel map. Off Grace Drive.  
In Paso Robles. East of Hwy. 101 & directly North of  
Hwy. 46 E. (near Whitley Gardens) APN: 019-221-044  
One lot w/ hook-up to Green River Water Co., the other lot will have a well.

Return this letter with your comments attached no later than: 9/16/04 7/8/05

#### PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

       YES (Please go on to Part II)  
       NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information)

#### PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

       NO (Please go on to Part III)  
       YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

#### PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Environmental Health recommends that both parcels receive service  
from the water company, since the existing residence is already  
connected. If the other lot can have a well why not take  
the well and add it to the water company. Environmental  
Health does not think it is a good idea to have one parcel in the

Date                      Name                      Phone                       
middle of the water company's service boundaries on a private well.  
This office did not understand that service is already to the  
 MAPI-Forms\Project Referral - #216 Word.doc Revised 4/4/03  
 COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us) • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>

parent parcel.

7/19/05

Laurie Salo

781-5551



7-13 10  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING  
GENERAL SERVICES

2004 SEP -2 AM 10:13

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

RECEIVED

OCT 07 2004

Planning & Bldg

LERNO (CO 04-0008)

SUB2003-00095

Project Name and Number

Elizabeth Kavanaugh

Development Review Section (Phone: 781-

788-2010) (788-2009)  
PLANNER

PROJECT DESCRIPTION:

2 lot parcel map. Off Grace Drive  
in Paso Robles. East of Hwy. 101 & directly North of  
Hwy. 46 E. (near Whitley Gardens) APN: 019-221-044.  
One lot w/ hook-up to Green River Water Co., the other lot will have a well.

Return this letter with your comments attached no later than:

9/16/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which  
we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF  
REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to  
reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of  
approval you recommend to be incorporated into the project's approval, or state reasons for  
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Require Quinby fees and applicable Building  
Division fees.

10/06/04  
Date

JAN Dileo  
Name

4089  
Phone

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## Form A

## Notice of Completion &amp; Environmental Document Transmittal

Mail to: State Clearinghouse, PO Box 3044, Sacramento, CA 95812-3044 916/445-0613

SCH # \_\_\_\_\_

Project Title: Lerno Parcel Map SUB2003-00095

Lead Agency: County of San Luis Obispo

Contact Person: Elizabeth Kavanaugh

Mailing Address: County Government Center Room 310

Phone: (805) 788-2010

City: San Luis Obispo

Zip: 93408

County: San Luis Obispo

## Project Location:

County: San Luis Obispo

City/Nearest Community: Paso Robles

Cross Streets: Ross Drive and Grace Drive

Zip Code: 993446

Total Acres: 5.94

Assessor's Parcel No. 019-221-044

Section: \_\_\_\_\_

Twp. 26S

Range: 14E

Base: MDBM

Within 2 Miles: State Hwy #: 46

Waterways: Salinas River

Airports: None

Railways: None

Schools: None

## Document Type:

## CEQA:

☐ NOP☐ Early Cons☒ Neg Dec☐ Draft EIR☐ Supplement/Subsequent EIR

(Prior SCH No.) \_\_\_\_\_

☐ Other \_\_\_\_\_

## NEPA:

☐ NOI☐ EA☐ Draft EIS☐ FONSI

## Other:

☐ Joint Document☐ Final Document☐ Other \_\_\_\_\_

## Local Action Type:

☐ General Plan Update☐ General Plan Amendment☐ General Plan Element☐ Community Plan☐ Specific Plan☐ Master Plan☐ Planned Unit Development☐ Site Plan☐ Rezone☐ Prezone☐ Use Permit☒ Land Division (Subdivision, etc.)☐ Annexation☐ Redevelopment☐ Coastal Permit☐ Other \_\_\_\_\_

## Development Type:

☒ Residential: Units 2 Acres 3.4 & 2.5☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_☐ Educational \_\_\_\_\_☐ Recreational \_\_\_\_\_☐ Water Facilities: Type \_\_\_\_\_ MGD☐ Transportation: Type \_\_\_\_\_☐ Mining: Mineral \_\_\_\_\_☐ Power: Type \_\_\_\_\_ Watts \_\_\_\_\_☐ Waste Treatment: Type \_\_\_\_\_☐ Hazardous Waste: Type \_\_\_\_\_☐ Other: \_\_\_\_\_

Funding (approx.): Federal \$ 0 State \$ 0 Total \$ 0

## Project Issues Discussed in Document:

☒ Aesthetic/Visual☒ Agricultural Land☒ Air Quality☒ Archeological/Historical☐ Coastal Zone☒ Drainage/Absorption☐ Economic/Jobs☐ Fiscal☒ Flood Plain/Flooding☒ Forest Land/Fire Hazard☒ Geologic/Seismic☒ Minerals☒ Noise☒ Population/Housing Balance☒ Public Services/Facilities☒ Recreation/Parks☒ Schools/Universities☒ Septic Systems☐ Sewer Capacity☒ Soil Erosion/Compaction/Grading☒ Solid Waste☒ Toxic/Hazardous☒ Traffic/Circulation☒ Vegetation☒ Water Quality☒ Water Supply/Groundwater☐ Wetland/Riparian☒ Wildlife☐ Growth Inducing☒ Landuse☒ Cumulative Effects☐ Other \_\_\_\_\_

## Present Land Use/Zoning/General Plan Designation:

Single-family residence / Residential Rural

## Project Description:

Subdivision of a 5.94-acre parcel into two parcels approximately 3.4 and 2.5 acres each for the sale and/or development of one lot.

January 2004

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**Reviewing Agencies Checklist**

Form A, continued

**KEY****S** = Document sent by lead agency**X** = Document sent by SCH

✓ = Suggested distribution

**Resources Agency**

- ☐ Boating & Waterways  
☐ Coastal Commission  
☐ Coastal Conservancy  
☐ Colorado River Board  
☐ Conservation  
☐ Fish & Game  
☐ Forestry & Fire Protection  
☐ Office of Historic Preservation  
☐ Parks & Recreation  
☐ Reclamation Board  
☐ S.F. Bay Conservation & Development Commission  
☐ Water Resources (DWR)

**Business, Transportation & Housing**

- ☐ Aeronautics  
☐ California Highway Patrol  
☐ CALTRANS District # \_\_\_\_\_  
☐ Department of Transportation Planning (headquarters)  
☐ Housing & Community Development

**Food & Agriculture****Health & Welfare**

- ☐ Health Services \_\_\_\_\_

**State & Consumer Services**

- ☐ General Services  
☐ OLA (Schools)

**Environmental Protection Agency**

- ☐ Air Resources Board  
☐ California Waste Management Board  
☐ SWRCB: Clean Water Grants  
☐ SWRCB: Delta Unit  
☐ SWRCB: Water Quality  
☐ SWRCB: Water Rights  
☐ Regional WQCB # \_\_\_\_\_ ( \_\_\_\_\_ )

**Youth & Adult Corrections**

- ☐ Corrections

**Independent Commissions & Offices**

- ☐ Energy Commission  
☐ Native American Heritage Commission  
☐ Public Utilities Commission  
☐ Santa Monica Mountains Conservancy  
☐ State Lands Commission  
☐ Tahoe Regional Planning Agency

- ☐ Other \_\_\_\_\_

**Public Review Period** (to be filled in by lead agency)

Starting Date \_\_\_\_\_

Ending Date \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Lead Agency** (Complete if applicable):

Consulting Firm: Morro Group, Inc.  
 Address: 1422 Monterey Street Suite C200  
 City/State/Zip: San Luis Obispo, CA 93401  
 Contact: Shawna Scott  
 Phone: ( 805 ) 543-7095

**Applicant:** Ken Lemo

Address: 6760 El Camino Real  
 City/State/Zip: Atascadero, CA 93422  
 Phone: ( 805 ) 238-5725

**For SCH Use Only:**

Date Received at SCH \_\_\_\_\_

Date Review Starts \_\_\_\_\_

Date to Agencies \_\_\_\_\_

Date to SCH \_\_\_\_\_

Clearance Date \_\_\_\_\_

Notes:



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**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (EK/MG)

**ENVIRONMENTAL DETERMINATION NO. ED03-420**

**DATE: June 9, 2005**

**PROJECT/ENTITLEMENT:** Lerno Parcel Map; SUB2003-0095

**APPLICANT NAME:** Ken Lerno

**ADDRESS:** 6760 El Camino Real Atascadero, CA 93422

**CONTACT PERSON:** Vaughan Surveys

**Telephone:** (805) 238-5725

**PROPOSED USES/INTENT:** Request by Ken Lerno for a Parcel Map to subdivide an existing 5.94-acre parcel into two parcels of approximately 3.4 and 2.5 acres each for the purpose of sale and/or development.

**LOCATION:** On the northwest corner of Ross Drive and Grace Drive, approximately 1,000 feet north of Highway 46, in the village of Whitley Gardens, east of the City of Paso Robles. The site is in the Shandon/Carrizo planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
 County Government Center, Rm. 310  
 San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** California Department of Fish and Game, Environmental Health Division

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No.** \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*  
☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

<b>Signature</b>	<b>Project Manager Name</b>	<b>Date</b>	<b>Public Agency</b>
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**San Luis Obispo County**  
**Department of Planning and Building**  
*environmental division*

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: \_\_\_\_\_

County: San Luis Obispo

Project No. SUB2003-00095

Project Title: Lerno Parcel Map

**Project Applicant**

Name: Ken Lerno

Address: 6760 El Camino Real

City, State, Zip Code: Atascadero, CA 93422

Telephone #: (805)466-9700

Please remit the following amount to the **County Clerk-Recorder:**

( ) Environmental Impact Report	\$	850.00
(X) Negative Declaration	\$	1250.00
( ) County Clerk's Fee	\$	<u>25.00</u>
<b>Total amount due:</b>		<b>\$1,250.00</b>

**AMOUNT ENCLOSED:** \_\_\_\_\_

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No. Lerno Parcel Map, ED03-420, SUB2003-0095**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

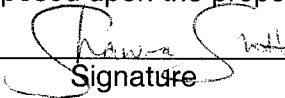
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Morro Group, Inc.  
Prepared by (Print)

  
Signature

05/13/05  
Date

  
Reviewed by (Print)

  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

5/23/05  
Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** - Request by Ken Lerno for a Parcel Map to subdivide an existing 5.94-acre parcel into two parcels of approximately 3.4 and 2.5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Suburban land use category and is located on the northwest corner of Ross Drive and Grace Drive, approximately 1,000 feet north of Highway 46, in the village of Whitley Gardens, east of the City of Paso Robles. The site is in the Shandon/Carrizo planning area.

ASSESSOR PARCEL NUMBER: 019-221-044

SUPERVISORIAL DISTRICT #: 1

**B. EXISTING SETTING**

PLANNING AREA: Shandon/Carrizo (Whitley Gardens)

LAND USE CATEGORY: Residential Suburban

COMBINING DESIGNATION(S): None applicable

EXISTING USES: Single-family residence, garage, carport, sheds, horse corrals

TOPOGRAPHY: Nearly level to gently sloping

VEGETATION: Grasses, oaks, ornamental landscaping, vacant

PARCEL SIZE: 5.94 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

*North:* Residential Suburban; Scattered single-family residences

*East:* Residential Suburban; Single-family residences, silo

*South:* Residential Suburban; Single-family residences

*West:* Residential Suburban; Scattered single-family residences

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1.	<b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<b>Create an aesthetically incompatible site open to public view?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<b>Introduce a use within a scenic view open to public view?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<b>Change the visual character of an area?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<b>Create glare or night lighting, which may affect surrounding areas?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<b>Impact unique geological or physical features?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<b>Other: _____</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** For this parcel, a primary and secondary residence would be allowed for each lot under the Residential Suburban land use category. The proposed project site consists of a 5.94-acre parcel located on the northwest corner of Ross Drive and Grace Drive, approximately 1,000 feet north of Highway 46, in village of Whitley Gardens (refer to Figures 1 through 3). Existing development on the parcel is located entirely within proposed Parcel 1 and includes a single-family residence, garage, carport, sheds, and several horse corrals. Proposed Parcel 2 is undeveloped and is currently vegetated with non-native grasses and used as a horse pasture. The surrounding area is characterized by scattered residences with secondary land uses consisting primarily of horse pastures on parcel sizes ranging from one half to five acres in size. The applicant is proposing to subdivide the project site into two parcels, 3.4 and 2.5 acres each for the purpose of sale and/or development (refer to Figures 4 and 5).

A windrow of oaks exists along Grace Drive, and numerous trees are found immediately surrounding the existing residence. The proposed project site is visible from Ross Drive and Grace Drive, both undivided local roads used primarily by residents and landowners in the area. The project site is not visible from Highway 46 due to existing topography and surrounding development. Future development of a primary single-family residence and two secondary residences would not significantly change the existing setting.

**Mitigation/Conclusion.** No significant visual impacts would occur as a result of the proposed parcel map, and no mitigation is required.

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**2. AGRICULTURAL RESOURCES***- Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project site is located within the Residential Suburban land use category, and the soil type mapped for the project site is Arbuckle-San Ysidro complex (2-9 % slope). As described in the Natural Resources Conservation Service (NRCS) Soil Survey, this soil is considered Class II for "irrigated" and Class VI for "non-irrigated" soil. The project site is approximately 5.94 acres and is primarily vegetated with non-native grasses. Landscaped vegetation and disturbed areas are associated with the existing single-family residence and horse corrals located on Parcel 1. Surrounding land uses include residential development and horse pasturing. Agriculture uses north of the project site consist of cattle grazing. The proposed project is consistent with the land use category designation on the site.

**Mitigation/Conclusion.** Based on the project's location within an established village, on land within the Residential Suburban land use category, no impacts to agricultural resources are anticipated and no mitigation measures are necessary.

**3. AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Based on the latest annual air monitoring station information (per the County's Annual Resource Summary Report, 2004), unacceptable PM10 levels were exceeded once in 2003 at the Paso Robles monitoring station, which is down from the past three years (two exceedances per

year). Ozone levels were exceeded once in 2003 at the Paso Robles monitoring station, after three years with no exceedances. The County has maintained attainment status for ozone.

The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides (NO<sub>x</sub>) and reactive organic gases (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM<sub>10</sub>) that become airborne and which find their way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. In part, the land use controls currently in place for new development relating to ROG and NO<sub>x</sub> (i.e., application of the CEQA Air Quality Handbook) and implementation of Clean Air Plan (CAP) goals have helped reduce the formation of ozone.

The proposed parcel split would allow for one primary and one secondary residence on each parcel. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the CAP.

**Mitigation/Conclusion.** Based on the above discussion, air quality impacts would be less than significant, and no mitigation measures are necessary.

4. <b>BIOLOGICAL RESOURCES -</b> <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Vegetation on the project site consists primarily of non-native grasslands with some oaks and ornamental landscaping also present. Based on the Natural Diversity Database (NDDb) (2005), the project site is located within known habitat range of San Joaquin kit fox (*Vulpes macrotis mutica*), a State Threatened and Federally Endangered Species. The Estrella River is located approximately 2,000 feet to the west.

**Impact.** Based on the results of previous kit fox habitat evaluations that have been conducted for Whitley Gardens and the surrounding area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 3 acres conserved for each acre impacted (3:1). This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields

etc.), the applicant would be required to mitigate a total of 3 acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. In this case, the applicant has chosen to accept the standard mitigation ratio of 3:1. The applicant is not currently proposing to further develop either parcel, nor are any road improvements considered necessary. Therefore, total compensatory acreage would be determined upon submittal of building permit information to the County Planning and Building Department when a future residence is proposed.

The applicant will be required to mitigate the future loss of kit fox habitat by one of the following ways: Deposit funds into an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox during future development, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

**Mitigation/Conclusion.** The applicant has agreed to comply with a 3:1 replacement mitigation ratio for impacts to San Joaquin kit fox habitat and precautionary measures to be implemented during future construction (refer to Exhibit B). Implementation of these measures would mitigate potential biological impacts to less than significant.

**5. CULTURAL RESOURCES -**  
***Will the project:***

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b><i>Disturb pre-historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Disturb historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Disturb paleontological resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Other:</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project is located in an area historically occupied by the Obispeno Chumash and Southern Salinan. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation (visible organic soils, rock outcrops, continuous water presence). Impacts to historical or paleontological resources are not expected.

**Mitigation/Conclusion.** No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.



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## 6. GEOLOGY AND SOILS -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Setting/Impact.

Geology. The topography of the project site is nearly level to gently sloping. The subject area is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the project site. The project is not within a known area containing serpentine rock. There is no evidence that measures above what will already be required by ordinance or code are necessary.

**Drainage.** The nearest surface water is Pine Creek located approximately 0.2 mile south of the project site. Pine Creek is a tributary of the Estrella River, which is located approximately 0.5 mile to the west. The project site is located outside of the 100-year Flood Hazard designation. Based on the NRCS soil survey, the soil type mapped for the project site is not well drained. No specific measures above what will already be required by ordinance or code are considered necessary.

**Sedimentation and Erosion.** The soil type mapped for the project site is Arbuckle-San Ysidro complex (2-9% slope). As described in the NRCS Soil Survey, the soil surface is considered to have low to moderate erodibility and has a moderate shrink-swell characteristic. Based on the topography and soil characteristics of the project site, no specific measures above what will already be required by ordinance or code are considered necessary.

**Mitigation/Conclusion.** Based on the discussion above and implementation of standard requirements, impacts would be less than significant and no project-specific mitigation is required.

## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Interfere with an emergency response or evacuation plan?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Expose people to safety risk associated with airport flight pattern?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Create any other health hazard or potential hazard?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project site is not located in an area of known hazardous material contamination, nor within the Airport Review area. The project is within a moderate severity risk area for fire and is located approximately ten minutes from the closest CDF/San Luis Obispo County Fire Station (Meridian Station). The proposed project was referred to the California Department of Forestry (CDF)/County Fire for review. CDF/County Fire recommended standard fire safety measures including a community water system, water storage tank, access road and driveway standards, 10-foot vegetation clearance around driveways and access roads, and confirmation of adequate water pressure for fire flow on Parcel 1 (Clinton Bullard; September 15, 2004). Vegetation clearance would consist of mowing fast burning grasses and forbs.

**Mitigation/Conclusion.** The applicant is required to comply with CDF fire safety conditions and construction activities on the project would require final inspection. Based on the implementation of

fire safety measures, fire safety impacts would be reduced to less than significant and no specific mitigation measures are necessary.

### 8. NOISE - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The site is approximately 1,000 feet north of Highway 46. The topography between the highway and the site consists of a gently sloping hillside developed with scattered single-family residences. The site is outside of the 60 Ldn noise contour for Highway 46, and the proposed project would not generate or be exposed to significant stationary or transportation-related noise sources.

**Mitigation/Conclusion.** No significant noise impacts are anticipated and no mitigation measures are necessary.

### 9. POPULATION/HOUSING - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Implementation of the proposed parcel map would allow up to two additional residences (one primary and one secondary) in the village of Whitley Gardens. The future development would not displace existing housing or people, or use a substantial amount of fuel or energy to construct and maintain. No significant population and housing impacts are expected to occur as a result of the proposed parcel map.

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

**Mitigation/Conclusion.** Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

## 10. PUBLIC SERVICES/UTILITIES

*- Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project site is served by the California Department of Forestry and the County Sheriff as the primary emergency responders. The closest CDF fire station is the Meridian station, located approximately five miles from the proposed project. The closest Sheriff substation is in Templeton, located approximately eighteen miles from the proposed project site. The project site is located within the Paso Robles Joint Unified School District. This proposed project, along with numerous others in the area would have a cumulative effect on police/sheriff and fire protection, and schools.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to reduce the cumulative impact to a level of insignificance. No other mitigation measures are necessary.

## 11. RECREATION - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**11. RECREATION - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablec) *Other* \_\_\_\_\_☐☐☐☐

**Setting/Impact.** The County Trails Plan does not show a future trail on the proposed project site. The proposed project was referred to the County Department of General Services Parks Division for review. The Parks Division did not identify any project-specific potentially significant impacts. Implementation of the proposed tract map and future build-out and occupation of a new single-family residence would contribute to the cumulative demand for recreational resources in San Luis Obispo County.

**Mitigation/Conclusion.** In order to offset the cumulative demand for recreational resources, the applicant would be required to pay Quimby and Building Division fees (Jan DiLeo; October 6, 2004). No additional mitigation measures are necessary.

**12. TRANSPORTATION/  
CIRCULATION - Will the project:**Potentially  
SignificantImpact can  
& will be  
mitigatedInsignificant  
ImpactNot  
Applicablea) *Increase vehicle trips to local or areawide circulation system?*☐☐☒☐b) *Reduce existing "Levels of Service" on public roadway(s)?*☐☐☒☐c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*☐☐☒☐d) *Provide for adequate emergency access?*☐☐☒☐e) *Result in inadequate parking capacity?*☐☐☒☐f) *Result in inadequate internal traffic circulation?*☐☐☒☐g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*☐☐☒☐h) *Result in a change in air traffic patterns that may result in substantial safety risks?*☐☐☒☐i) *Other:* \_\_\_\_\_☐☐☐☐

**Setting/Impact.** Future residential development of proposed Parcel 2 would access the project site from Grace Drive, east of Whitley Garden Drive. These roads are primarily used by landowners and

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occupants in the immediate area, and are operating at acceptable levels of service. The community is accessed by a center turn lane on Highway 46, a two-lane arterial with no significant traffic safety concerns at the project location. Additional development of one single-family residence and one secondary residence is estimated to generate a total of sixteen (16) daily vehicle trips or ten primary residence trips and six secondary residence trips (Institute of Traffic Engineers). This small amount of additional traffic would not result in a significant change to the existing road service levels or traffic safety. The proposed project was referred to the County Department of Public Works, and no road improvements would be required (Mike Goodwin; April 2, 2004).

**Mitigation/Conclusion.** Based on the above discussion, no significant impacts to transportation or circulation would occur and no other mitigation measures are necessary.

<b>13. WASTEWATER - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Adversely affect community wastewater service provider?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Future development on proposed Parcel 2 would require the installation of an on-site individual wastewater system. Based on the Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater system will be placed is Arbuckle-San Ysidro complex. Based on the NRCS Soil Survey, the main limitation of this soil for wastewater effluent is slow percolation, where fluids may percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The proposed project was referred to County Environmental Health and it was determined that standard conditions for on-site septic systems would be adequate for the proposed subdivision (Laurie Salo; September 16, 2004).

**Mitigation/Conclusion.** Based on the above discussion and implementation of required standard measures as required by code, no significant wastewater impacts are anticipated and no additional measures are required.

<b>14. WATER - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <b>Violate any water quality standards?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.**

Water Usage. The project site is served by the Green River Mutual Water Company for water supply. The service provider has indicated that although no new will-serve letters for service connections will be issued to the Whitley Gardens community and surrounding area until storage and well pump improvements have been completed, the service provider has indicated that adequate water supply exists for the proposed project. The Green River Mutual Water Company has given permission to drill for a private well on proposed Parcel 2 with the condition that a back-flow device be constructed to allow the private well to connect to the existing water system once storage and well pump improvements have been constructed. Parcel 1 would continue to be served with the original water meter (Green River Mutual Water Company, Inc.; June 15, 2004). Per the County Annual Resource Summary Report (2004), although water level data for the underlying groundwater basin indicate declining levels along the Highway 46 corridor east of Paso Robles, no level of severity has been established for the Paso Robles groundwater basin.

Surface Water. The topography of the project site and surrounding area is nearly level. The project site is located approximately 0.2 mile north of Pine Creek, a tributary of the Estrella River, which is located approximately 0.5 mile to the west. Based on topography, site location, and density of potential development, no significant impacts to surface water are anticipated and no mitigation measures above what would be required by ordinance or code are necessary.

**Mitigation/Conclusion**

Water Usage. The proposed project was referred to the County Environmental Health Division for review and prior to recordation of the map, a well completion report and full-size maps would be required for the proposed private well (Laurie Salo; September 16, 2004). A back-flow device would be required on the existing water meter to allow potential future tie-in of the private well to the existing system pending storage and well pump improvements by the service provider. Implementation of this measure would mitigate potential impacts to the community water provider, and no additional measures are required.

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15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Shandon/Carrizo Area Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). The proposed project site is within the Village Reserve Line of Whitley Gardens and within the Residential Suburban land use category. Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF, Public Works, Environmental Health). The project is not within or adjacent to a Habitat Conservation Plan area. The proposed project is consistent or compatible with the surrounding uses because the parcel split and additional construction of one single-family residence and one secondary residence on a 2.5-acre parcel would be an allowed use consistent with land use patterns on adjacent parcels and applicable standards.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.



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**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially Significant

Impact can & will be mitigated

Insignificant Impact

Not Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

☐
☐
☒
☐

b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐
☒
☐
☐

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐
☐
☒
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

# **Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b>Contacted</b>	<b>Agency</b>	<b>Response</b>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	None
<input checked="" type="checkbox"/>	County Parks and Recreation Division	Attached
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	Pers. Comm.
<input checked="" type="checkbox"/>	CA Department of Forestry	Attached
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Green River Mutual Water Co.	Attached
<input checked="" type="checkbox"/>	County Planning (Addressing)	In File**

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ Project File for the Subject Application

## County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☐ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☒ Real Property Division Ordinance
- ☒ Trails Plan
- ☐ Solid Waste Management Plan
- ☒ Shandon/Carrizo Area Plan

☐ Circulation Study

## Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other \_\_\_\_\_

**Exhibit B - Mitigation Summary Table****Biological Resources****San Joaquin Kit Fox: Parcel Map Condition**

The following notes shall be included on the second map sheet of the Final Parcel Map prior to recordation and shall apply to future construction on the project site:

**Future development will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for Whitley Gardens and the surrounding area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three (3) acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide

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for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that

the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- 1) **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances: a) Potential kit fox den: 50 feet, b) Known kit fox den: 100 feet, and c) Kit fox pupping den: 150 feet.
- 2) All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- 3) **If kit foxes or known or potential kit fox dens are found on site**, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation**, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5 Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

**BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes

or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-7 During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during, and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-11 Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

#### **Contact Information**

California Department of Fish and Game  
Central Coast Region  
P.O. Box 47

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B

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Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and Building  
Division of Environmental and Resource Management  
County Government Center, Room 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason  
(805) 781-5029

**Water**

- W-1** Prior to recordation of the final map, the applicant shall submit a valid will-serve letter or a well completion report for Parcel 2 and provide full-size maps to the County Department of Environmental Health for review and approval.
- W-2** Prior to recordation of the final map, a back-flow device to allow a future service connection shall be installed on the existing water meter. No back-flow device is necessary if a private well is not drilled.

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**DEVELOPER'S STATEMENT FOR THE  
LERO PARCEL MAP; SUB 2003-00095**

The applicant agrees to incorporate the following measures into the project. These measures become a part to the project description and therefore become a part of the record of action upon which the environmental determination is based. All construction/grading activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**BIOLOGICAL RESOURCES****San Joaquin Kit Fox: Parcel Map Condition**

The following notes shall be included on the second map sheet of the Final Parcel Map prior to recordation and shall apply to future construction on the project site:

**Future development on will be required to mitigate impacts to San Joaquin kit fox habitat.** Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for Whitley Gardens and the surrounding area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 3:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of three (3) acres of habitat. Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 3:1. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of [Total number of mitigation acres required] acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in



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Date: May 30, 2005

perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$[Amount of fee based on \$2500 per acre]. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase [Total number of mitigation acres required] credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

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**BR-2** Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diskings, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
  - 1) **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged

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with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances: a) Potential kit fox den: 50 feet, b) Known kit fox den: 100 feet, and c) Kit fox pupping den: 150 feet.

- 2) All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
- 3) **If kit foxes or known or potential kit fox dens are found on site**, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

- BR-3** Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *"Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox"*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-4** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

- BR-5** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- BR-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials.

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or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.
- BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be

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provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Monitoring (San Joaquin Kit Fox Measures BR-3 - BR-11):** Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

**Contact Information**

California Department of Fish  
and Game  
Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(805) 528-8670  
(805) 772-4318

U.S. Fish and Wildlife Service  
Ventura Field Office  
2493 Portola Road, Suite B  
Ventura, CA 93003  
(805) 644-1766

County of San Luis Obispo  
Department of Planning and  
Building  
Division of Environmental and  
Resource Management  
County Government Center, Rm 310  
San Luis Obispo, CA 93408  
ATTN: Ms. Julie Eliason

**WATER**

- W-1** Prior to recordation of the final map, the applicant shall submit a valid well serve letter or a well completion report for Parcel 2 and provide full-size maps to the County Department of Environmental Health for review and approval.

**Monitoring:** The Department of Planning and Building, in consultation with the Environmental Health Division, shall verify receipt of well serve letter or completion report and maps.

- W-2** Prior to recordation of the final map, a back-flow device to allow a future service connection shall be installed on the existing water meter. No back-flow device is necessary if a private well is not drilled.

**Monitoring:** The Department of Planning and Building shall verify compliance.

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*The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.*

Kenneth E. Leruo  
Signature of Owner(s)

6-1-05  
Date

Kenneth E. Leruo  
Name (Print)